

REMARKS

The present application has been reviewed in light of the Office Action dated February 19, 2010. Claims 1-7, 9-16, and 18-27 are presented for examination, of which Claims 1, 10, 20, and 23 are in independent form. Claims 1, 10, 20, and 23 have been amended. Support for these changes can be found in the original application, as filed, for example in Fig. 4 and the accompanying description, *e.g.*, page 10, lines 5-18, and therefore no new matter has been added.

Favorable reconsideration is requested in view of the foregoing amendments and the following remarks.

Summary of Substance of Interview

Applicants gratefully acknowledge the courtesies extended by the Examiner in the March 11, 2010 telephone interview between the Examiner and Applicants' representative. In that conversation, Applicants' representative inquired about the absence of claim rejections in the February 19, 2010 Office Action. The Examiner stated that since only arguments were advanced in the previous response, which were not considered persuasive, the claim rejections made in the June 26, 2009 still stand. Accordingly, the rejections noted below are those provided in the June 26, 2009 Office Action.

Double Patenting Rejection

Claim 10 is rejected in the June 26, 2009 Office Action over Claim 14 of U.S. Patent No. 6,822,587 in view of U.S. Patent Application Publication No. 2004/0008897 (Easwar) and U.S. Patent No. 5,847,771 (Cloutier et al.).

At the outset, Applicants note that paragraph 7 of the June 26, 2009 Office Action identifies the Henry patent as U.S. Patent No. 6, 822, 578, while Form 892 attached to the Office Action identifies this patent as U.S. Patent No. 6, 822, 587. Moreover, Applicants also note that U.S. Patent No. 6, 822, 578 is not to Henry and is not owned by the owners of the present application. Therefore, Applicants assume that that the Henry patent referred to in the obviousness-type double patenting rejection is U.S. Patent No. 6, 822, 587. Applicants respectfully request that the Examiner clarify the record in the next action and confirm that the Henry patent referred to in the obviousness-type double patenting rejection is U.S. Patent No. 6,822, 587.

In response, while not conceding the propriety of the rejection, Applicants are submitting the attached Terminal Disclaimer over U.S. Patent No. 6, 822, 587, with the required fee and the required Statement Under 37 CFR 3,73(b), thereby obviating the rejection. Therefore, Applicants respectfully request that the rejection be withdrawn.

Obviousness Rejections

Claims 1, 6, 9, 10, 15, 18, 20, 21, 23-26, and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0008897 (Easwar) in view of U.S. Patent No. 5,847,771 (Cloutier et al.); Claims 3, 4, 12, and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Easwar in view of Cloutier et al. and U.S. Patent No. 6,671,454 (Kaneko et al.); Claims 5 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Easwar in view of Cloutier et al., Kaneko et al., and U.S. Patent No. 5,675,789 (Ishii et al.); Claims 7 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Easwar in view of Cloutier et al., and U.S. Patent No.

6,987,890 (Joshi et al.); Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Easwar in view of Cloutier et al. and U.S. Patent No. 6,236,759 (Horie et al.); Claim 22 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Easwar in view of Cloutier et al. and U.S. Patent Application Publication No. 2002/0116533 (Holliman et al.); Claim 27 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Easwar in view of Cloutier et al. and U.S. Patent No. 6,721,001 (Berstis); and Claims 2 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Easwar in view of Cloutier et al. and U.S. Patent No. 6,407,680 (Lai et al.).

In response, while not conceding the propriety of the rejections, independent Claims 1, 10, 20, and 23 have been amended. Applicants submit that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to a method of transcoding digital data coded according to a first coding mode into digital data coded according to a second coding mode. The method comprises the steps of receiving, from a plurality of resources, a signal representing a state of the resource, detecting, by a processor, an inactivity of resources based on the state of each resource, and transcoding, by a transcoder, the digital data coded according to the first coding mode into the digital data coded according to the second coding mode, when the inactivity is detected.

Claim 1 has been amended to recite that the second coding mode includes determining an amplitude model and a path defining an ordered series of locations amongst the digital data so that the amplitude of the k^{th} coefficient in the series is determined by the ordinate corresponding to the abscissa k according to the amplitude model, and coding the path.

In contrast, the citations to Easwar and Cloutier et al. are not understood to disclose or suggest a method of transcoding digital data coded according to a first coding mode into digital

data coded according to a second coding mode, the second coding mode including determining an amplitude model and a path defining an ordered series of locations amongst the digital data so that the amplitude of the k^{th} coefficient in the series is determined by the ordinate corresponding to the abscissa k according to the amplitude model, and coding the path, as recited by amended Claim 1.

The Office Action identifies the following portions of the Easwar citation as disclosing the previously claimed second coding mode: page 9, paragraph 82, especially lines 18-25, where the Office Action states that coefficients (the values of which are their amplitudes) are further quantized and entropy-encoded ("coding said path") in the second mode (wavelet-based); and lines 23-25 of paragraph 82 and lines 3-13 of paragraph 70 of page 7, the Office Action stating that the entropy scheme recited therein typically uses a zigzag path to scan the data, the zigzag sequence of the quantized coefficients constituting an amplitude model representing the amplitude of the data along a path (as defined by the zigzag traversal), a specific path ("Zig-Zag") being selected (*i.e.*, determined) and an amplitude model (the set of quantized coefficients) being determined (since the resultant quantized coefficients are determined by the specific quantization method selected by Easwar). However, Claim 1 as amended now recite the determining of an amplitude model and a path defining an ordered series of locations amongst the digital data so that the amplitude of the k^{th} coefficient in the series is determined by the ordinate corresponding to the abscissa k according to the amplitude model, and coding the path, and Applicants can find no disclosure of this feature in these portions of Easwar.

In further response to the arguments presented in the February 19, 2010 and June 26, 2009 Office Actions, Applicants provide the following comments. First, as to the use of the word "corresponds" in the second coding mode paragraph, which allegedly would not

sufficiently define the second coding mode over these portions of the Easwar citation, Claim 1 has been amended to delete the word “corresponds”. Second, as to the Office Action’s argument that the claimed features would not be sufficient to obtain a perfect result because “an amplitude model, if poorly selected, cannot be expected to best represent the amplitude of the samples”.... and “If, for example, “as close as possible” (*i.e.*, to minimize the difference) is the criterion, and the model “approximates” an amplitude of, say, 10, with, say, 12, then clearly 11 would have been even closer and therefore better representation than the model value,” Applicants fail to understand the relevance of these observations to patentability with respect to the prior art.

Third, as to the Office Action’s argument that there is no specific coding of the path according to the specification, as indicated at page 10, lines 12-13, Applicants note that a) this portion of the specification states: “The following step E81 is the reading and decoding of the coefficient path for each block. The result is a set of DCT data blocks.”, b) of course, the result of decoding the path must be DCT data blocks to be used in the further steps, whatever the mode of coding used, and c) however, contrary to the Office Action’s conclusion, the fact that a decoding step is needed for decoding the path clearly means that this coding mode is not limited to a mere coding of the coefficients. The Office Action also cites of page 9, line 25 to page 10, line 3 of the specification to support its position. Part of this portion of the specification states: “The file coded according to the second coding mode occupies a memory size approximately 15 to 20 % smaller than the corresponding JPEG file.” This clearly means that the entire coding according to the second coding mode needs less memory space than the first (JPEG) coding mode.

However, the difference between these two coding modes is not merely the addition of coding a path in the second coding mode with respect to the first coding mode, as the Office Action seems to consider. Indeed, the second coding mode uses an amplitude model and a path, which coded

altogether need a smaller memory size than the first coding mode. The claimed invention thus includes a specific step of coding the path, which is not proposed by Easwar.

Since amended Claim 1 is understood to recite at least one feature not disclosed or suggested by the citations to Easwar and Cloutier et al., Applicants submit that the Office has not yet satisfied its burden of proof to establish a *prima facie* case of obviousness against amended Claim 1. Therefore, Applicants respectfully request that the rejection of amended Claim 1 be withdrawn. And because corresponding device and apparatus Claims 10, 20, and 23 have been amended in a corresponding manner, they are submitted to be allowable for corresponding reasons. Therefore, Applicants respectfully request that the rejection of amended Claims 10, 20, and 23 be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicants
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

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